THE HON'BLE SRI JUSTICE

C.V.RAMULU

W.P.No.15671 of 1995

Dated:23.1.2007

Between
N.Sreedhar Rao

.....Petitioner

and

1. The Managing Director, Andhra Pradesh Scheduled Castes Coop.Finance Corporation Limited, Hyderabad and others.

...Respondents

THE HON'BLE SRI JUSTICE

C.V.RAMULU

W.P.No.15671 of 1995

ORDER:

This writ petition is filed seeking to declare the action of the respondents in not giving regular promotion to the petitioner to the category of Senior Assistant with effect from 31.3.1991 i.e., from the date on which he was made in-charge of the post of Senior Assistant as arbitrary and illegal and consequently to declare that the petitioner is entitled to be promoted to the post of Senior Assistant with effect from 31.3.1991 with all consequential benefits.

It appears that the petitioner is a Commerce Graduate. His name was sponsored through Employment Exchange. Subsequently, he was selected by the District Selection Committee and appointed as a

Typist in the office of the Deputy Executive Engineer, Kamareddy Sub-division under the District SC Cooperative Society Limited, Nizamabad in the time scale of Rs.425.650 *vide* proceedings No.2171/85/A2, dated 29.4.1986 of the 2nd respondent. He joined the services on 5.5.1986. Thereafter, he was made incharge of the post of Senior Assistant w.e.f 31.3.1991 in Kamareddy Sub-division. According to the petitioner, he possessed all the requisite qualifications for being promoted to the post of Senior Assistant. He also passed Accounts Test for Subordinate Officers Part-I conducted by the APPSC. Typist/Steno-typist/Junior Assistants are feeder posts for promotion to the post of Senior Assistant. Though the petitioner is fully qualified neither he was promoted as Senior Assistant nor he was paid any allowances for the additional responsibility. Therefore, the present writ petition is filed.

In the counter filed by the respondents,

it is admitted that the petitioner has been working as Senior Assistant w.e.f 31.3.1991 only on temporary basis. However, in the year 1993, the petitioner was transferred to the Executive Director's Office as Typist. Again he was asked to take charge of the post of Senior Assistant w.e.f 26.5.1994 at Nizamabad Division in the place of one P.Anjaiah, Senior Assistant.

While admitting the writ petition, by an interim order dated 21.9,1995, this Court directed the respondents to pay the petitioner the scale of pay attached to the post of Senior Assistant, pending further orders. However, after filing of the vacate stay petition, this Court passed the following order:

> "Admittedly, the petitioner is not working as Senior Assistant in a substantial post as such. It is no doubt true that the petitioner was asked to be incharge of Two Divisions as the Senior Assistant. His claim for the promotion to the post of Senior Assistant is yet to be decided.
>
> In the circumstances, the petitioner

is entitled only for the allowances and other benefits that are permissible under the Rules, but not for the pay attached to the post of Senior Assistant.

The learned counsel for the petitioner, however, states that even the other benefits and allowances are not being paid to the petitioner by the respondent-Corporation. In the circumstances, there shall be a direction to the respondent-Corporation directing it to pay all the allowances and other benefits that are liable to be paid by the Corporation to the petitioner for his officiating as the Senior Assistant. All the allowances that are due to the petitioner should be paid by the respondent-Corporation within two weeks from the date of receipt of a copy of this order. It is clarified that the petitioner is not entitled for the salary of a Senior Assistant until the writ petition is disposed of. It is further clarified that the petitioner will be entitled for all the emoluments including the salary from the date on which he is to be promoted as Senior Assistant if he succeeds in the writ petition.

The interim order is accordingly modified and the WVMP is disposed of."

Learned counsel for the petitioner states

that the petitioner was promoted as a Senior Assistant during pendency of the writ petition in 2003. However, the petitioner has not been paid any in-charge allowances as directed by this Court.

It appears that the petitioner was asked to perform the duties of Senior Assistant on temporary basis as an in-charge. Therefore, the petitioner is entitled to the salary/allowances attached to the post of Senior Assistant w.e.f. 31.1.1991.

Accordingly, the Writ Petition is disposed of directing the respondents to pay all the allowances and other benefits that are liable to be paid to the petitioner for officiating as a Senior Assistant before he was promoted to the post of Senior Assistant, within a period of three months from the date of receipt of a copy of this order. No costs.

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23-01-2007

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